

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1610 of 2021

- Manoj Chaubey S/o Late M. L. Chaubey Aged About 45 Years R/o Tikrapara, P. S. Tikrapara, P. S. City Kotwali, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. City Kotwali, District Bilaspur Chhattisgarh

--Non-Applicant

For Applicant	:	Shri R.K. Gupta, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, P.L.
For Objector/complainant	:	Ms. Sunita Sahu, Advocate along with the objector/complainant.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.3.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 9.2.2021 in connection with Crime No.332/2018, registered at Police Station- City Kotwali, District-Bilaspur(C.G.) for the offence punishable under Sections 354, 323, 34 and 506 of the IPC.
2. Case of the prosecution is that on 17.7.2018, the complainant lodged a written report against the present applicant, who is brother-in-law of the complainant and her mother-in-law, Smt. Nirmala Chaubey that on 16.7.2018 at 11.00 pm, the present applicant came to her bedroom and tried to outrage her modesty and when she cried, her mother-in-law slapped her. After investigation FIR was registered and the applicant was taken into custody.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the complainant is sister-in-law (Bahu) of the present applicant. He submits that after death of the husband of the complainant she is living in her matrimonial house and on account of some property dispute, she has implicated the applicant in this case. He submits that mother-in-law of the complainant namely Smt. Nirmala Chaubey has been released on anticipatory bail as mentioned in the order of IIInd Additional Sessions Judge, Bilaspur. He further submits that father-in-law of the complainant has executed a will in favour of his wife, Smt. Nirmala Chaubey, the document is Annexure A2 and many times disputes arose and reports were lodged against the complainant on 12.7.2018, 16.9.2018, which is evident from Annexure A3 and Annexure A4. He submits that the complainant has also filed an application for mutation under Section 109, 110 of the Land Revenue Code, 1959 before the Tehsildar, Bilaspur vide Annexure A5 and the applicant and the complainant are enrolled as Advocates. He submits that the applicant is in jail since 9.2.2021; there is no criminal antecedent of the applicant and conclusion of trial may take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail.
5. Learned counsel for the Objector, Ms. Sunita Sahu present along with the objector/complainant, has vehemently opposed the contention of the counsel for the applicant and submits that the complainant is a widow lady having 2 children and she feels unsafe in her house looking to the dispute with the applicant. If the applilcant is released on bail, he may tamper with the evidence, influence the witnesses and cause harm to the complainant, therefore, the bail application is liable to be rejected.
6. Having considered the submissions made by learned counsel for the parties, looking to the offence registered against the present

applicant under Sections 323, 354 of the IPC and past number of disputes between the present applicant and the complainant and the dispute regarding the will executed by the father-in-law, Manharan Lal Sharma vide Annexure A2; the detention period of the applicant; the offence is triable by Magistrate; there is no criminal antecedent of the applicant; and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.
9. If the complainant/objector, who is also a witness has any apprehension as to her safety from the applicant, she may apply before the concerned Police Station for security.

Sd/
(Gautam Chourdiya)
Judge